



**DEPARTMENT OF CORRECTIONS
MONTANA STATE PRISON
OPERATIONAL PROCEDURE**

Procedure No.: MSP 3.4.1	Subject: INSTITUTIONAL DISCIPLINE	
Reference: DOC Policy No. 3.4.1		Page 1 of 12
Effective Date: February 14, 1997		Revision: new effective date – October 29, 2012
Signature / Title: /s/ Leroy Kirkegard / Warden		

I. PURPOSE

To implement an inmate disciplinary system that serves to maintain order in the facility and protect the public, inmates, and staff through the impartial application of a fully developed, well-understood set of rules, regulations, and hearing procedures that incorporate all applicable due process requirements.

II. DEFINITIONS

As used in this operational procedure, the following definitions apply:

Cell/Cube/Block Confinement/Restriction: a disciplinary sanction that confines an inmate to a designated area except for attendance at work, school assignment, scheduled medical appointment, treatment appointments, visits, and meals. The inmate will be allowed emergency phone calls per *MSP 3.3.7, Inmate Access to Telephones*.

Contraband: any item not approved or authorized by law, policy, or rule. For the purpose of this operational procedure contraband includes but is not limited to:

1. Any item in the possession of an inmate that is not authorized for his retention.
2. Item(s) in excess of authorized quantities.
3. Any item in the possession of an inmate or found in his cell that has been altered from its original condition.
4. Any item being used by an inmate for a purpose other than what it was intended.

Detention: a disciplinary sanction that places an inmate in a secure unit or locked cell as a result of being found guilty of a major infraction.

Disciplinary Hearing Investigator (DHI): the staff member designated to conduct necessary investigations into a reported major rule infraction.

Disciplinary Hearing Officer (DHO): an impartial staff member designated to conduct disciplinary hearings. (4-4240)

Evidence: information presented at the hearing which supports or refutes the charges. Evidence may consist of one or more of the following: (4-4244)

1. The disciplinary report. The disciplinary report alone may serve as the basis for the decision.
2. Oral testimony, eyewitness accounts or other personal knowledge.
3. Physical evidence.
4. Inmate's statement or testimony.
5. Witness or document evidence.
6. Hearsay evidence if it appears reliable and relevant to the alleged infraction.

Housing Unit Disciplinary Team (HUDT): a one or two member team of unit staff appointed by the Unit Manager to conduct minor infraction disciplinary hearings or Waiver of a Hearing/Agreement.

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Incident: an event encompassing one or more rule violations.

Major Infraction: a misconduct violation that, in the judgment of the investigating staff member, is considered more serious than a minor infraction. Major infractions may be violations of state or federal criminal law.

Minor Infraction: a misconduct violation that does not have serious inmate and institutional management implications.

Agreement: a disciplinary hearing procedure that provides an inmate the opportunity to plead guilty to a major or minor infraction, as written, accept an offered sanction determined by the DHO or HUDT, and waive the right to a hearing on that incident.

Pre-Hearing Confinement (PHC): placement of an inmate who constitutes a threat to staff, other inmates, himself, or facility security, in a designated cell pending a disciplinary hearing or classification review.

Property Restriction Level 1 and 2: a restriction of property specifically authorized for tattoo violations.

Level 1 includes: Electric razor, radio, CD Player, MP3 player, game device and all accessories

Level 2 includes: All items on level 1 plus TV and all accessories

Sanction: a penalty given as a result of being found guilty of a rule infraction.

Sexual Act: contact between the penis and the vagina or the penis and the anus involving penetration, however slight; contact between the mouth and the penis, vagina, or anus; or penetration of the vagina or anus of another person by hand, finger, or other object.

Summary Action: the lowest form of disciplinary action used for inmate contraband, with mutual agreement between the staff member who discovers the contraband and the inmate. If the inmate accepts the summary action, the staff member will have him sign the form to verify his agreement. If this action is not mutual, staff will cite the inmate on an infraction report and a disciplinary hearing will be conducted.

Working Days: weekdays excluding weekends and holidays.

III. PROCEDURES

A. Pre-hearing Procedures (4-4227)

1. A staff member must implement progressive discipline whenever they have a reasonable belief that an inmate has violated an institutional rule or law. Progressive discipline may include:
 - a. Informal resolution (verbal warning/reprimand, counseling). When verbal communication achieves the desired corrective action a written citation of the infraction is unnecessary.
 - b. Rule Infraction Citations
 - 1) *Summary Action Citation* – the staff member who discovers contraband enters into a mutual written agreement with the inmate to dispose of the contraband. Absent mutual agreement, staff will cite the inmate for a rule

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infraction on a *Disciplinary Infraction Report form*, and a disciplinary hearing will be conducted.

2) Disciplinary Infraction Report citations:

There are two levels of infractions that staff may cite an inmate on due to him violating an institutional rule. The *Inmate Disciplinary Rule Infractions* list outlines the rules and numerical codes for the following infraction levels. (4-4226)

- a) Minor - may be resolved through an informal or formal process that includes providing the inmate with a written statement of the violation and a decision by an uninvolved individual. An inmate will not be placed in disciplinary detention for a minor infraction.
- b) Major - may be resolved through a hearing or Waiver of a Hearing/Agreement that includes providing the inmate with a written statement of the violation and a decision by an uninvolved individual. An inmate may be placed in disciplinary detention for a major infraction, it may be a felony, and may be prosecuted in a district court or any court of greater authority. (4-4231)

Staff are encouraged to attempt informal resolution for minor incidents. However, if a staff member believes an offense cannot be handled by informal resolution they will file a written Disciplinary Infraction Report that at a minimum includes the following information: (4-4233)

- Name(s) of inmate and his identification number.
- Date, time and location (if known).
- Specific rule(s) alleged to have been violated and its corresponding numerical code from the *Inmate Disciplinary Rule Infractions* list. (4-4226)
- Names of staff and inmate witnesses to the incident.
- Supplementary reports by witnesses and/or involved staff.
- A statement of the charges.
- Unusual behavior exhibited by the inmate.
- Facts surrounding the incident sufficient to answer the questions of who, what, why, where, when and how.
- Disposition of any evidence involved.
- Signature and printed name of reporting staff member.
- Any action taken, including pre-hearing confinement (must include specific location) and/or confiscation of property or contraband.

In citing the specific rule infraction(s), staff must use good judgment to identify the one or two infractions that best fit the incident.

Absent extraordinary circumstances, staff must fill out and submit Disciplinary Infraction Reports within 24 hours of the rule violation taking place, or within 24 hours of the discovery of the rule infraction.

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2. Seizure of evidence and alleged contraband:
 - a. Crime Related Physical Evidence:
When an item is seized from an inmate or his cell that may be utilized in criminal prosecution, the following procedure will be implemented. This is done to maintain a clear chain for evidence:
 - 1) Staff must correctly and completely fill out an evidence receipt/card/tag and attach it to the evidence. The time and date of when evidence passed from the control of one person to another must be documented.
 - 2) Once staff have completed tagging all physical evidence they will bring it to the Shift Commander who will ensure it is securely placed in the Investigator's Evidence Locker. The Shift Commander will forward a copy of the infraction report to the DHI for notification purposes.
 - 3) When evidence is no longer needed, it will be disposed of in accordance with *DOC 3.1.17, Searches & Contraband Control*.
 - 4) Investigators/designees are responsible for conducting periodic audits of evidence storage areas to ensure evidence has been processed in compliance with policy and appropriate evidentiary procedures.

Whenever possible, the person who fills out the evidence receipt will place the items in the evidence locker. Staff will work together to ensure that the chain of evidence is maintained.
 - b. *MSP 3.1.17B, Contraband Control* outlines how to dispose of all other seized contraband.
3. Pre-Hearing Confinement (PHC): (4-4235)
 - a. An inmate who is reasonably believed to be a security risk to the facility, who is in serious danger from others, who may interfere with an investigation, or who poses a danger to himself or others may, upon written statement of reasons, be placed in PHC prior to receiving a disciplinary hearing or classification review. PHC procedures and the approval process are outlined in *MSP 3.4.100, Pre-Hearing Confinement*.
 - b. The Warden or designee must review each inmate move to PHC within one working day after confinement, excluding weekends and holidays. (4-4235)
 - c. Staff may not place an inmate in PHC based solely on information obtained from a single confidential informant without first determining that informant's reliability.
 - d. When an inmate is placed in PHC for a disciplinary infraction, the *Disciplinary Infraction Report form* must be served to the inmate within 24 hours, and the DHO must conduct a disciplinary hearing within 72 hours, excluding weekends and holidays, unless additional investigation is needed. The 72 hours commences upon the inmate's placement in PHC.
 - e. Most privileges afforded locked housing unit inmates will not be afforded to inmates in PHC (see *MSP policies 3.4.100, Pre-Hearing Confinement*, and *3.5.1, Locked Housing Unit Operations*).
 - f. The DHO may credit the inmate with any time spent in PHC/DD against any subsequent term of disciplinary detention imposed, based upon the inmate's attitude and behavior while in PHC status.

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4. Notice of Hearing/Prehearing Action: (4-4234)
The DHI, or designee, will complete the Notice of Hearing/Prehearing Action section of the *Disciplinary Infraction Report form* for each major infraction report when the report is served to the inmate. The DHI will collect necessary statement(s) without unreasonable delay. Any delay must be explained in writing.
The DHI will ensure that a copy of the infraction report is provided to the inmate within 6 working days of the date it was written. The 6-day limit is waived if exceptional circumstances arise, in which case the DHI must provide the inmate with the report at the earliest possible time.
5. Inmate Conduct Away From a Correctional Facility:
Any staff member responsible for transporting an inmate may submit an infraction report when the inmate's behavior violates institutional rules.
6. Hearing Agreements:
 - a. An *agreement* allows an inmate to plead guilty to the infraction(s) he was cited for, and accept a sanction(s) pre-determined by the DHO or HUDT.
 - b. The staff conducting the hearing will research the inmate's disciplinary history as well as the nature and seriousness of the incident before considering offering the inmate an agreement. If the staff member decides to offer the inmate an agreement, they must pre-determine what sanction(s) they are going to offer. The sanction(s) must be within operational procedure guidelines for the infraction(s).
 - c. The offer is not negotiable or subject to alteration. The inmate can only accept or decline.
 - 1) If the inmate accepts, the staff member will fill out an *Agreement/Waiver/Refusal form*. When signed by the inmate and the DHO, or HUDT an agreement concludes the disciplinary process for the infraction(s). By signing the agreement the inmate waives his right to a regular hearing *and appeal*. The staff member(s) will impose the sanction(s) and distribute copies of the *Agreement/Waiver/Refusal form* and the infraction report, with attachments, to appropriate staff including the DHO.
 - 2) If the inmate declines, the case will be handled through the regular major or minor infraction disciplinary hearing process.

B. Disciplinary Hearing Procedures (4-4227)

1. Minor Infractions: (4-4230)
 - a. General Provisions:
 - 1) Minor rule infraction reports will be forwarded to the respective Unit Manager or designee who will review each report for legibility, completeness, and correctness of charge. The Unit Manager or designee may request that the reporting staff member make corrections, additions or deletions that more accurately reflect the circumstances surrounding the alleged infraction. (4-4232)
 - 2) Unless exceptional circumstances warrant a postponement, the minor infraction hearing must take place within 7 working days from the date the infraction was written. To allow the inmate a 24 hour notification, staff must review and serve minor disciplinary infraction reports to inmates

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within 6 working days from the date they are written. The inmate may waive the 24 hour notice at the time the citation is served.

3. Keeping within this timeframe, the HUDT must review the report and take one of the following actions:

- Dismiss the case and take no further action.
- Offer the inmate an *Agreement*.
- Conduct a hearing as outlined in this operational procedure and impose the appropriate sanctions.

4. In all cases the inmate will be notified of actions taken by the HUDT. If the person who wrote the infraction wants to know the disposition of the hearing, he or she must either check with the HUDT or the electronic or posted hard copy of the HUDT disposition sheets.

b. Minor Infraction Hearing Procedures:

- 1) Hearings are to be conducted in the respective housing unit by the HUDT.
- 2) A member of the HUDT will serve the Infraction Report (with attachments) to the inmate at least 24 hours prior to a hearing, ensuring that the *Notice of Hearing section* of the infraction form is completed. If the inmate refuses to sign, the designated staff member will note on the form that the inmate refused to sign and have another employee witness and sign that a copy of the report was given to the inmate. (4-4236)
- 3) In the event that a member of the HUDT wrote the infraction, the Unit Manager or designee will appoint another staff member to replace the reporting member on the HUDT. (4-4230; 4-4240)
- 4) The inmate is to be provided with an opportunity to appear at the hearing and to provide evidence to support his case. (4-4230; 4-4241)
- 5) The HUDT must complete a *Disciplinary Hearing Decision form*, noting the evidence that was relied upon to make their finding, the reasons for the finding, and the sanctions imposed.

2. Major Infractions:

- a. Staff who cite inmates for Major rule infractions will forward the completed infraction report(s) to their immediate supervisor for review. The supervisor will return poorly written infraction reports to the staff member for correction (4-4232) advising them of any deficiencies in the infraction report. If a supervisor is not on shift, the infraction report will be turned in directly to the Shift Commander, as timely submission of infraction reports is critical.
- b. The supervisor will route the report to the Shift Commander as soon as possible, but no later than the end of the supervisor's shift.
- c. The Shift Commander will review each report for legibility, completeness, and correctness of charge. If the report is not complete or correct, it will be returned to the staff member who wrote the infraction report for correction in a timely manner. The Shift Commander may delete redundant or excessive charges on the infraction report without returning the report to the staff member who wrote it.
- d. The Shift Commander will forward the infraction report to the DHI unless the infraction necessitates the inmate be placed in PHC. If the inmate is placed in

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PHC, the Shift Commander will ensure that the citation is served to the inmate within 24 hours.

- e. Upon receipt of a completed Major infraction report, the DHI will ensure that the citation (with attachments) is served to the inmate at least 24 hours prior to the hearing and the *Notice of Hearing/Prehearing Action section* of the infraction form is completed. (4-4236; 4-4238)
 - 1) The DOC Investigator will address the inmate's Miranda rights if it is determined that criminal charges may be filed in district court. (4-4231)
 - 2) Staff will not provide an inmate with information that may jeopardize the safety of others or the security of the facility.
 - 3) The inmate may waive the 24 hours notice at the time the citation is served. (4-4236)
 - 4) The inmate will sign the *Notice of Hearing/Prehearing Action section*, acknowledging receipt of a copy. If the inmate refuses to sign, or his recent behavior indicates he may destroy the report, the designated staff member will note on the form that the inmate refused or didn't sign it, and have another employee witness and sign that a copy of the notice and report were given to the inmate.
 - 5) The inmate must be informed that:
 - a) If he intends to provide names of witnesses, he must forward an Offender Staff Request form (OSR or 'kite') to the DHI. The DHI will collect statements from the listed witnesses.
 - b) To request additional time to gather witnesses or prepare a case, the inmate must write to the DHI asking for, and explaining his reason for, a continuance. If the DHI determines the information provided warrants a continuance, he/she will grant the request in writing, notifying the inmate of the new hearing date and time.
 - 6) A hearing may be re-scheduled if additional time is required for good cause. (4-4239)
3. Conducting Hearings for Major Infractions:
 - a. Unless exceptional circumstances warrant a postponement, the major infraction hearing must take place within 7 working days from the date the infraction was written. To allow the inmates a 24 hour notification, staff must review and serve major disciplinary infraction reports to inmates within 6 working days from the date they are written. The inmate may waive the 24 hour notice at the time the citation is served. (4-4238)
 - b. The inmate must be present throughout the disciplinary hearing except during the period of deliberation, when confidential information is presented, or if the inmate's behavior justifies removal by order of the DHO. The inmate may waive his presence at the hearing. (4-4237; 4-4241)
 - c. The DHO must ensure that the inmate understands the charges filed and take appropriate actions to ensure the fairness and orderliness of the hearing.
 - d. If the DHO determines an inmate is unable to prepare and present a defense, the inmate requests an advisor or interpreter, or the inmate claims a condition under the Americans With Disabilities Act, the DHO will grant a continuance (noting

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- his /her reasons on the hearings decision form) and ensure appropriate assistance and/or resources are provided to assist the inmate in presenting his case. (4-4243)
- e. If an inmate fails (or refuses) to appear at a disciplinary hearing, or is removed due to disruptive behavior, the DHO may proceed with the hearing and make a decision based on information on the Disciplinary Infraction Report and any other available report and/or evidence. The DHO must document a failure to appear or removal due to behavior on the decision form and have another staff member witness and sign the form. If the inmate refuses to attend, the DHO must complete an *Agreement / Waiver / Refusal form*. (4-4237; 4-4241)
 - f. The inmate must be provided an opportunity to present documented evidence unless doing so would be unduly hazardous to the institution or jeopardize the safety of witnesses. The DHO must document any reasons for denial in writing and provide a copy to the inmate. (4-4242) The DHO has an obligation to investigate any new evidence that he or she feels is relevant to the alleged infraction that is presented by the inmate at the hearing.
 - g. Evidence, testimony, questions, and examination is to be limited to facts relevant to the alleged infraction(s).
 - h. Inmate or staff witness testimony may be presented in writing.
 - i. The inmate will be permitted to call witnesses on his behalf unless: (4-4242)
 - Permitting the witness to testify poses a threat to institutional safety, the safety of the witness, or the safety of third persons.
 - The witness' testimony would not be relevant to the hearing, redundant, or immaterial.
 - The witness' testimony concerns the general character of the inmate.
 - The inmate does not appear at the hearing.
 - The inmate's actions are inappropriate during the hearing.

If a witness is not permitted to testify, the DHO must document the reason for excluding the witness from the hearing.
 - j. An inmate may be found guilty of an infraction on the basis of verified information from a reliable source whose identity is not disclosed to the accused inmate. The details of such information will not be disclosed to the accused inmate if doing so creates a risk to the safety of the source.
 - k. The DHO may make a finding of guilty if he/she is persuaded by the evidence that an infraction occurred. (4-4244)
 - l. The DHO may recess the hearing to collect additional information; however, the DHO's decision must be made solely on the evidence presented. (4-4239; 4-4244)
 - m. The DHO must ensure the inmate receives, orally and in writing, a statement of the findings, evidence relied upon, sanction(s) imposed, and the reasons for the finding and sanction(s). (4-4245)
 - n. The DHO may suspend imposed sanctions for a specified period of time not to exceed 90 days. The DHO must document the terms of the suspension on the findings decision form. If the inmate violates these terms the DHO may revoke the suspended sanction(s) and impose new sanctions. The initial sanctions that were suspended shall run consecutive to the new sanctions. The DHO may not use the revoked suspension as one of the sanctions for the new offense.

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- o. The DHO may postpone the hearing if an inmate is unavailable (on escape status, is hospitalized, or is On Leave To Custody) or under direct mental health care. The hearing may also be postponed pending arrival of necessary evidence. (4-4239)
- p. The DHO may find an inmate guilty, not guilty, or guilty of a more appropriate offense.
- q. Correctional staff may be allowed to sit in on major infraction hearings. Staff will not participate in the hearings unless so directed by the DHO. At no time will an inmate be allowed to interrogate or cross-examine a correctional staff member.

C. Sanctions

1. The DHO or HUDT will impose an appropriate sanction(s) from the *Inmate Disciplinary Sanction Grid* when a charge is substantiated. (4-4226)
2. Any portion of a sanction may be delayed for a specified period of time. Inmates will be informed in writing of the conditions under which the suspended sanction may be invoked in the future.
3. The DHO or HUDT may not impose, nor will the grid contain, any of the following sanctions:
 - Any form of dietary restriction or the use of food or meals as punishment.
 - Any form of corporal punishment.
 - Any form of discipline imposed by one inmate on another inmate.
 - Detention in excess of 30 consecutive days, unless there is a finding of fact on a new, subsequent violation of a facility rule or regulation.
 - Deprivation or denial of clothes, bedding and personal hygiene items. This does not apply to those inmates who engage in the practice of destroying such items. In such instances, the Warden or designee will be notified, and the decision to deprive must be reviewed by the DHO or HUDT at intervals not to exceed 24 hours.
 - The use of a “padded or isolation cell” or restraints as punishment. Restraints may only be used for otherwise uncontrollable inmates in accordance with *DOC 3.1.8, Use of Force and Restraints*.
 - Deprivation of general correspondence, visiting, or telephone privileges when the offense is unrelated to a violation of facility rules relating to that activity. In no case will special mail privileges or attorney visits be suspended. This also applies to inmates sanctioned to cell restriction.

D. Records (4-4240)

The DHO and HUDT must ensure that a copy of each disciplinary document (infraction reports, notifications, witness report, etc.) are forwarded to: (4-4245)

- The MSP Records Department for placement in the Main File on the inmate.
- The inmate’s housing unit for placement in the six-part Mini File on the inmate.
- The inmate.

If an inmate is found not guilty of an alleged infraction (major or minor) all references to the infraction will be removed from these files if reasonably possible. Otherwise, the file must clearly indicate that the inmate was found not guilty of the alleged infraction. (4-4246)

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The DHO or designee will post the results of hearings on a Hearings Report that is available to staff, which notes the disposition of the disciplinary hearing. Findings of not guilty or a change in infraction will have a clear explanation as to the reason. Unit Sergeants will print the results form and post it in the Sergeant's office. If staff have questions concerning the disposition they are to contact the DHO.

E. Administrative Review

1. Major Infractions

- a. The Warden or designee will review the infraction report and disciplinary findings form of each major infraction within 15 working days of the date of the hearing to ensure the infraction was handled in accordance with operational procedure, regardless of whether or not the inmate has filed an appeal. (4-4247)
- b. The Warden or designee may:
 - Uphold the decision and the sanction(s) imposed.
 - Reverse the decision (must provide written justification for that action).
 - Reduce the infraction level to a minor.
 - Remand the decision back to the DHO (must provide written justification for that action).
 - Uphold the decision but modify the sanction(s) imposed when such action is warranted based on the record.
- c. The Warden or designee will return the infraction reports to the DHO, who will take remedial action to implement the reviewer's decision.

*NOTE: The Warden or designee may not increase the sanction imposed.

*NOTE: If the Warden does change the decision and/or sanction upon review, the inmate has a right to appeal when notified of the change.

2. Minor Infractions

The DHO, DHI, or designee will review the infraction report and disciplinary findings form of each minor infraction within 15 working days of the date of the hearing to ensure the infraction was handled in accordance with operational procedure. The DHO or DHI will consult with the Warden or designee concerning any discrepancies and take any necessary remedial action.

F. Appeals (4-4248)

1. At the conclusion of a major infraction hearing, the DHO will advise the inmate of his right to appeal the decision and will document the inmate's choice in the appropriate section of the findings form. The DHO will not offer the inmate an appeal under the following circumstances:
 - The hearing decision reduced the major to a minor infraction.
 - The inmate waived or refused to attend the hearing.
 - The inmate was removed prior to the conclusion of the hearing due to acting inappropriately during the hearing.

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2. If the inmate chooses to appeal the decision the DHO will provide him with a *Disciplinary Appeal form* and explain that he has 15 days to fill it out and submit it to the DHO or DHI. (4-4248).
3. Upon receipt of the completed appeal form, the DHO or DHI will forward the completed appeal form and all related disciplinary documents to the Warden or designee.
4. The Warden or designee must act on the appeal within 30 working days of receipt of the appeal, considering the following factors: (4-4248)
 - Whether or not there is evidence and documentation to support the findings.
 - Whether there was substantial compliance with applicable disciplinary procedures.
 - Whether the sanctions imposed are proportionate to the rule violation(s).
5. The Warden or designee may take one of the following actions:
 - Affirm: uphold the decision of the DHO and the sanction(s) imposed.
 - Dismiss: disagree with the decision of the DHO and dismiss the infraction.
 - Modify: uphold the decision of the DHO, but reduce or suspend the sanction(s) or the level of the infraction.

The Warden or designee must provide written justification for the action taken on the appeal form, and return the infraction report and completed appeal form to the DHO who will implement the decision.
6. Sanction(s) may be imposed prior to the Warden or designee's decision concerning the appeal.

G. Emergency Procedures

1. Any or all portions of this operational procedure may be temporarily suspended without notice in the event of an institutional disruption that requires emergency action.
2. Any inmate involved in the emergency may be detained without a hearing throughout the course of an officially declared emergency.
3. On rare occasions an incident is so widespread as to have involved, in some general way, virtually all staff eligible to serve as a DHO or as a member of a HUdT. Under these circumstances the Warden or designee may form one or more committees to conduct disciplinary hearings. No staff member who was personally involved in a substantial manner in an incident will be selected to be a member of one of these committees.

H. Training, Orientation, and Advisement

1. MSP Training staff, the DHI, or the DHO will include a session on the current inmate disciplinary operational procedures in pre-service and annual refresher staff training. This training will include familiarity with the operational procedures, inmate rules/infractions, prohibited acts, the rationale for the rules, and available disciplinary sanctions. (4-4228; 4-4229)
2. MDIU staff will ensure each inmate receives and signs for a copy of a current MSP Disciplinary Handbook during the orientation process (4-4228).
3. The DHO and /or DHI will ensure all inmates at MSP receive notice whenever the inmate disciplinary operational procedure is revised.
4. Hard and electronic copies of the current MSP disciplinary operational procedure will be available in the facility libraries for inmates to view or get copies.
5. Housing unit staff will post a general notice on the inmate informational bulletin boards

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regarding the mechanisms for inmates to obtain or review current information regarding the inmate disciplinary process.

I. Effect of Conviction/Dismissal

Subsequent administrative action by the Housing Unit Management Team (HUMT) or other authority does not constitute additional punishment and should not be construed as such. If the conviction for an offense affects the inmate's security level, the inmate may be considered by the HUMT for appropriate reclassification. Dismissal or modification of a conviction does not deprive the HUMT of the opportunity to consider the inmate's conduct for purposes other than discipline, including but not limited to security and classification decisions.

J. Distribution of Findings

The DHI and DHO will ensure that the findings from all disciplinary hearings and *Agreement / Waiver / Refusal form* are posted in OMIS and distributed to the Board of Pardons and Parole, Records, housing unit Case Managers (for placement in the Mini File), and Institutional Parole and Probation Office.

IV. CLOSING

Questions concerning this operational procedure will be directed to the Warden/designee.

V. REFERENCES

Disciplinary Rule Infractions list
Disciplinary Infraction Report form
Disciplinary Hearing Decision form
Summary Action Citation form
Inmate Disciplinary Sanction Grid
Disciplinary Witness Request form
Agreement/Waiver/Refusal form
Disciplinary Appeal form
Hearing Continuation form
Tattoo Violation Property Restrictions notice